

THE COHABITATION RULE—WHY IT MAKES SENSE

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Synopsis—The Cohabitation Rule, fiercely and rightly denounced by feminists, nevertheless makes perfect sense in the context of British social policy and assumptions about women, marriage and domestic labour. Demands for the Rule's abolition which do not take account of this are both doomed to failure and by implication unjust; the women's movement needs to clarify its attitude to women who choose to stay at home and look after children, since at the moment it is mainly concerned with the (no less but no more important) needs of women who make other choices. The Cohabitation Rule is a necessary corollary of the assumption that housewives are parasites, an assumption also implicit in much feminist theory; if we are to deny this, we must accept that at least some kinds of domestic labour should be paid for.

'Where a husband and wife are members of the same household their requirements and resources shall be aggregated and shall be treated as the husband's, and similarly, unless there are exceptional circumstances, as regards two persons cohabiting as man and wife.' (Supplementary Benefits Act 1966, para. 3 (1), Schedule 2).

This is the official language of the 'cohabitation rule'. What it means in practice is that just as a wife has no entitlement to Supplementary Benefit (SB)¹ in her own right—her husband must claim for her as his 'dependent'—so a single woman living with a male lover may be denied SB and required to look to him for support.

Sexism rarely manifests itself so grotesquely as in the cohabitation rule, and hostility to it among feminists is virtually unanimous. Arguments against it are many and convincing: it is wrong to require a woman to depend on a man, particularly when he has no legal or moral obligation to maintain her. It makes a prostitute of any woman SB claimant who wants a male lover. It singles out one form of nonmarital living arrangement and penalizes it (if the woman set up house with her sister, her father, her adult children or her lesbian lover she would still have some entitlement to SB). It invades privacy, with investigators spying on claimants' homes and questioning their children (Lister, 1973). It perpetuates the

¹ Supplementary Benefit in Britain is a state payment to people over 16 'whose resources are insufficient to meet their requirements'. (Supplementary Benefits Act 1976, Section 71.) It differs from other state benefits such as unemployment pay or pensions in that it has not been 'earned' by National Insurance contributions; it is a safety net, a last line of defence against starvation for those with no right to money from any other source. As such it is small, means-tested and hedged about with restrictions. In December 1975 (most recent figures available) the main recipients of SB were: retirement pensioners and widows over 50 (because inflation has made a nonsense of pension levels); long-term unemployed (because their entitlement to unemployment benefit has been exhausted); and single parents, 90 per cent women, because, unlike virtually every other personal catastrophe that can render a person penniless, unsupported parenthood is not seen as a misfortune against which state insurance cover should be provided. (*Social Security Statistics 1975*, published by HMSO.)

loneliness of the single mother, since both she and a male friend will be cautious of continuing a relationship that can be turned into a financial arrangement on the whim of a civil servant. It carries the smack of moral judgement, penalising 'fallen women' (single mothers) for wanting sex outside marriage. And so on. It would be hard to find any feminist with anything good to say about the cohabitation rule.

It is thus with some trepidation that I say the cohabitation rule makes sense. But it does make perfect sense in context. It is an entirely logical, equitable and indeed unavoidable consequence of British social policy with regard to women, marriage and motherhood; and its abolition, demanded by many feminists, would be utterly subversive of that policy. Needless to say, this is no reason why feminists should cease their demands (quite the reverse), but it is a reason why the demand for abolition will never be met in isolation; and even if it were it would be pointless overall, since further anomalies would be created and the burden of injustice simply shifted to other women.

'LIVING TOGETHER AS HUSBAND AND WIFE'

In 1976, following several years of lobbying by feminists, poverty pressure groups etc., the Supplementary Benefits Commission of the Department of Health and Social Security produced its defence of the cohabitation rule, a paper entitled *Living Together as Husband and Wife*. The argument of this paper is roughly this: there is room for improvement in the way this rather delicate rule is administered, but as a matter of principle it must stand. And the logic is convincing. It goes in stages, as follows:

'It cannot be right to treat unmarried women who have the support of a partner both as if they had no such support and better than if they were married' (SBC, 1976; p. 6).

Fair enough, you may think, particularly remembering that SB is only for people whose 'resources are insufficient to meet their requirements'. Unfortunately it does not follow that just because a woman is living with a man she necessarily has (or wants) his 'support'. The Supplementary Benefits Commission recognizes the dilemma:

'The suggestion is often made that a couple should not be treated as if they were living as husband and wife unless the man is actually giving the woman financial support. We cannot accept this as a reasonable test. Apart from the very great difficulty of establishing how a couple manage their finances (in effect one would have to take their word for it) and the strong incentive they would have to arrange their affairs so as to safeguard the woman's claim to benefit, the fact that she is receiving benefit may itself make it unnecessary for the man to give her more than is required for his own keep. The suggestion that he is not supporting her while she is receiving benefit cannot therefore be taken as positive evidence that their relationship is not comparable to that of husband and wife' (SBC, 1976; p. 16).

They admit that to withdraw benefit from the woman when the man is not giving her money may cause 'distress and hardship' but 'to continue to pay it would be unfair to the majority' (SBC, 1976; p. 7)—'the majority' meaning in this case married couples and those cohabiting males who do accept their 'responsibility' to give money to the women they sleep with.

This theme—the need to be fair to 'the majority'—emerges again and again in this document's defence of the rule, and bolsters up the most tenuous arguments. For example,

even if one accepts that a man ought to pay his mistress, to require him to support her children, even if he is not their father, seems outrageous. The SBC again acknowledges a dilemma, but

‘we do not think that this is a question which can be left to the Commission to solve, solely within the Supplementary Benefits scheme. Any question of providing long-term support for children in the family of a man who is not their father should be considered in the wider context of financial provision for families generally. Our own powers certainly do not extend to making permanent allowances for children in families not otherwise entitled to supplementary benefit’ (SBC, 1976; p. 20).

In other words, fairness to ‘the majority’ requires that no payment be made in these circumstances.

Again, the suggestion has been made that in cases where a woman’s SB is withdrawn because she is found/thought to be cohabiting, a ‘tiding over’ allowance should be made to ease the adjustment. Although such a payment is made in a very limited number of cases, this booklet’s authors are dead against it being made automatic; after all

‘No such allowance is paid to a claimant who marries, whatever the circumstances’ (SBC, 1976; p. 20).

All this is very convincing. There is no good reason—feminist or other—why cohabiting couples should be treated *better* than married ones. (The fact that some people move from this argument to suggesting that they ought to be treated *worse* does not obscure the fairness of the principle.) Why, though, is it necessary to treat a couple (married or not) as a unit? Why can’t the woman be assessed as an individual, and benefit paid insofar as her resources are insufficient to meet her requirements?

They’ve thought of this:

‘Some people would even question whether it is any longer right for a married woman to be expected to depend on her husband and to be unable to claim SB in her own right. The trend towards equality between the sexes and the sharing and even exchange of roles in the marriage partnership have already, to some extent, changed the traditional role of husband as sole breadwinner. But if the resources of husband and wife were not to be aggregated, and each had a right to claim benefit independently, the Commission *would be paying allowances to almost all wives who are unable to work or have the care of children regardless of the husband’s income*’ (SBC, 1976; pp. 5–6; my emphasis).

There, then, is the nub of the matter. Abolish the cohabitation rule and you establish the right of a mistress to draw SB in her own right. Establish that, and you cannot in fairness deny the same right to wives at home with children, be their husbands company directors or on the dole themselves. It is social policy’s version of the domino theory: the cohabitation rule is logic’s last bulwark against the spectre of wages for housework.

WAGES FOR HOUSEWORK AND THE WOMEN’S LIBERATION MOVEMENT

The reason that such a sequence of events might horrify a patriarchal-capitalist state are obvious—but the women’s liberation movement is also ambivalent about paying housewives. On the one hand the Wages for Housework campaign declares:

‘Our housework goes on behind the scenes, unnoticed, uncounted, uncharted as long as it is unpaid. But if we demand to be paid for it, if we demand Wages for Housework from

the State, we are saying first of all that housework is work . . . we are saying that we women need money of our own—if we weren't forced to depend on men for money, we wouldn't have to put their needs before ours, to service them sexually, physically, emotionally (Edmonds and Fleming, 1975; p. 7) . . . we say **TO BRING UP CHILDREN IS WORK** and we want a **WAGE** for all the work we do—whether cleaning offices OR homes, producing electrical parts OR babies' (p. 94).

On the other hand, Angela Phillips and Ruth Wallsgrove (writing as individuals but expressing views many feminists share) reply:

' . . . (wages for housework) . . . would take us further away from a society in which childcare was integrated with the rest of life, and in which women are not automatically banished from all decision making about how our lives are run . . . The answer . . . is not to resign ourselves to our women's role—in a woman's place—and demand payment for staying put, but to collectivise childcare, to share the responsibility for bringing up children within the community' (Phillips and Wallsgrove, 1978; p. 34).

There are also areas of confusion: it is not uncommon to meet feminists who disagree with Wages for Housework (on grounds similar to those quoted above) yet would support increases in Child Benefit or the right of wives and cohabiting women to claim SB for themselves. On the other hand, some feminists' objections to the principle of Wages for Housework lead them to oppose any proposal that might, in their view, 'look like' or 'lead to' it. *Spare Rib*, May 1977, reported that at the national Women's Liberation conference, the Fifth Demand group (for Financial and Legal Independence) opposed the demand that 'every individual person, whether in or out of employment, should receive a Guaranteed Minimum Income as of right' on the grounds that 'it would amount to implicit support for the Wages for Housework Campaign' (p. 11). I have also had it explained to me by other feminists campaigning for equality of treatment of wives under social security laws, that their concern was only with the wives of *claimants*, not of company directors—thus accepting the DHSS principle that wives should be meanstested on their husbands' resources, regardless of the extent of their access to them.

Some, at least, of this confusion and inconsistency arise out of misunderstanding as to what is meant by Wages for Housework, so before proceeding any further I propose to change the term in order to indicate (a) that I am not spokeswoman for, nor even in complete agreement with, the campaign of that name; (b) that I do not propose to be sidetracked into an interesting discussion of the precise scientific definition of 'wage', what I am talking about is cash, money, pound notes, that to which a housewife is not entitled, that to which she should be; and (c) that there is housework and housework.

Let's call it Pay for Childcare. Even this is inadequate, but I want to forestall the objections (because I agree with them) of those who say that Wages for Housework simply means providing married men with state-paid servants . . . an argument which the Wages for Housework does little to dispel, since their line makes no distinction between the 'housework' of skivvying for a demanding but fit husband, and the 'housework' of caring for a dependent baby.² I think there is a very important distinction to be drawn between the

² The view that 'all women are housewives' and thus entitled to 'wages' is clear in all WfH propaganda, e.g. Edmonds and Fleming, 1975:

'The single "career girl" too must do housework at evenings and weekends. If she goes out with a man she will usually be doing some of his housework. And even if we don't marry or live with a man, the

first, which is unnecessary and demeaning, and the second, which is necessary and useful. Thus when I favour pay for 'childcare' I mean the day-to-day domestic care of people who *need* it (obviously I would include adults too infirm to care for themselves).

SOCIAL POLICY AND THE HOUSEWIFE

But even thus narrowly defining 'housework', the women's movement is ambivalent (to say the least) about the notion of paying women to do it. And it is not just the movement that is confused; the financial status of the housewife is as much of a poser for those who would confirm women's traditional role as for those who would change it. Social policy planners in particular are perplexed and tie themselves in appalling knots trying to work out equitable ways of dealing with this anomalous creature. The housewife, who:

- is an adult but must for bureaucratic reasons be treated as a child
- works full-time but is 'not economically active'
- ought really to be one parent in a two-parent family but must not actually be permitted to starve if she falls short of this ideal
- makes a vital contribution to the nation's economy, but must remain an exception to the general principle that the way to keep key workers at their posts is by reward and incentive.

The problems thus posed are seen clearly in the early history of the British welfare state. The Beveridge Report was revealing on this. It made clear that married women were expected to be housewives first and foremost; and that since this did not involve any independent income, wives were to be covered by, and dependent on, their husbands' insurance:

'All women by marriage acquire a new economic and social status with rights and risks different from those of the unmarried. On marriage a woman gains a legal right to maintenance by her husband as a first line of defence against the risks which fall directly on the solitary woman, she undertakes at the same time to perform vital unpaid service and becomes exposed to new risks, including the risk that her married life may be ended prematurely by widowhood or separation' (Beveridge, 1942; p. 49).

This was entirely logical, given that married women would spend most of their lives in unpaid domestic work, and Beveridge was nothing if not logical. Confusingly for him he saw where his logic was taking him.

Of the two 'new risks' which Beveridge saw women taking on at marriage, only one—widowhood—was beyond the control of the insured couple. Widowhood was thus duly recognized as an insurable risk—like unemployment or sickness—and widows' benefit was introduced. Separation, though, was different. Separation might be the 'fault' of husband, wife or both. It is bad actuarial practice to insure against something that can only happen with the consent of the insured person—you cannot, for example, 'insure' yourself against

fact that most women do means that every man will see a housewife when he sees us. Men expect us to be at their disposal sexually and emotionally. To be sympathetic to their problems, bolster their egos, have a ready smile, make the tea. No woman can escape this work. We have room to manoeuvre over how much housework we will do, but none of us can avoid it altogether. **ALL WOMEN ARE HOUSEWIVES.** Single or married, young or old, with or without children, lesbian or straight, that housework is our first job . . . government and employers . . . owe us a living, the State which benefits from the work that men, women and children do must pay us women for keeping everyone functioning for that work.' (pp. 6–7).

committing suicide. By the same token, Beveridge realized that if the man was paying the insurance contributions, cover could not be provided against the possibility of him leaving his wife. Yet on Beveridge's own admission, loss of support due to marriage breakdown was a serious risk to a dependent wife, equivalent to an employed person's loss of income due to unemployment. Beveridge made proposals for a separation benefit, to be paid only in cases of formal separation not caused by the wife.

This proposal was widely criticized. Women's organizations pointed out that it was impractical (who was to say who 'caused' a separation?) and urged that there should be independent insurance for married women. The Cabinet also felt it was impractical, expensive and open to abuse, and the proposal was dropped. Separated women—like single mothers and other persons unable to take paid work but uncovered by insurance—were to rely on National Assistance, the meagre 'safety net' that was the precursor of today's Supplementary Benefit. So much for Beveridge's 'new risks'.

This controversy, usefully outlined in the *Report of the Committee on One-Parent Families* (Finer, 1974; Vol. 2, pp. 136–147) crystallizes the state's dilemma of how to deal with women who, by 'failing' to play the part expected of them (i.e. by ending their marriages or by having a child without ever having been married) find themselves without the support of a man. On the one hand the state is reluctant to make them better off than the 'good' housewife, married and 'supported' by her husband (the exact amount of 'support' decided by him alone); on the other hand, of course, the status of the married housewife is so low that virtually anything going to the single mother makes her better off. *Living Together as Husband and Wife* is very concerned about being 'fair' to the married couple, but the only way they could truly be 'fair' to the married housewife would be to entitle the single housewife to less SB than she gets . . . and you cannot entitle even a single housewife to less than nothing.³

And the point is that all this is good, fair and equitable if you start from the conventional wisdom that: housewives don't need money of their own because they are supported by their husbands; they are supported by their husbands because they are dependents; and they are dependents because they 'don't work'. Dependency is the key to women's oppression. And childcare is the key to dependency, for the very simple reason that it takes a lot of time and is unpaid. In a money-based society, the unpaid worker is doubly oppressed.

FEMINISTS VS HOUSEWIVES?

Many feminists will come this far with me but still shy away from the idea of pay for childcare, even when we've clarified that it's not the same demand as Wages for Housework. It is suggested that pay would in some way 'institutionalize' the oppression of the housewife, yet many people who point out this danger are happy to accept pay for *their* work, even though this also presumably 'institutionalizes' whatever forms of oppression they suffer in their jobs. Are they saying that housewives are less able to understand and resist the dangers than other workers, or that all oppressed workers should renounce pay as the way to

³ Child Benefit—currently (November 1978) £3/week per child—though a big improvement in the status of mothers (it is paid whether the woman is married, single or cohabiting)—does not really affect the principle of the argument, since it is nowhere big enough to enable the woman to consider an existence independent of husband or SB, and, as the name implies, it is intended for the children's needs, not as recompense for the woman's labour. However, it could be the basis for a payment of the kind advocated by this article.

liberation? Of course paying for childcare could be used against women—the most obvious danger being that it could be made selective (on class or race lines) or conditional upon certain standards of maternal behaviour⁴—but there are risks in any advance. We do not demand a ban on all sterilization just because some women are forced to be sterilized, we do not even attack the whole concept of a welfare state just because of abuses like the cohabitation rule, so why oppose pay for childcare solely because it might be abused? (Incidentally, I suspect the risks of abuse would be considerably less if the ‘pay’ were fought for and won by a united feminist campaign on the grounds that housewives *work* and deserve money *for that reason*, than if it were graciously granted by government in a mood of pronatalist, pro-family, antifeminist zeal to cut the costs of the social services.)

Demanding pay for childcare does not necessarily imply that only women at home would receive it. It could work in the same way as the present ‘attendance allowance’, a payment made to severely disabled people which they can then choose how to spend on their care. There is no reason why a similar notional sum should not attach to any dependent person, including children, enabling payments to be made to whoever looks after them, whether at home or in some privately or publicly organized communal arrangement. As to the question of where the resources should come from, avoiding the easy (albeit probably correct) let-out of ‘abolish capitalism’, I would say simply that the transfer of money to unpaid workers ought to be the next stage in the redistribution of wealth, taking precedence over ‘bread-winners’ pay-claims, tax-cuts or ‘family’ benefit increases. After all, if it is true that husbands and wives invariably pool their money and share it fairly, it doesn’t matter who earns what, does it? Whereas if it isn’t true . . .

The demands of the women’s movement in Britain seem overwhelmingly concerned with women who want to avoid having or caring for children, either full-time or at all (e.g. abortion and contraception, day-care centres, rights in paid employment). Such women (I include myself) are probably a majority in the movement (it was the sort of feeling that brought us into it in the first place, and anyway we have more time than mothers) but not among women as a whole, most of whom appear to want to spend at least part of their lives having and raising children. To argue that this is always and necessarily a result of ‘conditioning’ sounds like a feminist version of ‘I don’t know what you housewives do all day’. Besides, even those who argue that the answer to women’s dependency/oppression in the home is for them to take outside jobs (as if the sort of jobs open to most women were in any way more congenial and less exploitative than housework, except insofar as they are paid) and put their children into publicly-funded day-care centres, must surely allow that some women (as well as men, of course) would choose freely to look after children, otherwise how are the centres to be staffed? Conscription? To argue as some opponents of Wages for Housework do (Phillips and Wallsgrove, 1978) that there should be ‘adequate payment for everyone who wants to work in these collective childcare facilities’ while opposing any payment for mothers looking after their own children at home is astonishing. I accept the need to counter the myth that only a biological mother can adequately care for a child, but to say that in the interests of women’s liberation we will pay anyone *except* the child’s mother to look after it seems to be going a little far in the opposite direction!

⁴ My novel *Benefits* (Virago, September 1979) envisages a future Britain in which just this sort of thing happens—not simply because mothers are paid, but because a divided and inadequate feminist response allows the state to believe it has bought the right to control women’s fertility.

I DON'T KNOW WHAT YOU DO ALL DAY, DEAR

It is a view that has its reflection (though doubtless for different reasons) in social policy and the social security system. The state's version of 'I don't know what you do all day dear' is to ignore what women do all day until they don't; then the state puts up some money. As we have seen, the securely married mother playing the role and staying at home has no social security entitlement; let her 'break the rules' and leave her husband and she can draw £14 a week *for herself*, besides allowances for rent and for the children. (The fact that this pittance is a step up says more about the depressed position of the housewife than about the wonderful privileges of the separated.) It costs £700 a year to keep a child in a council day-nursery, and only children in real need—i.e. those whose mothers cannot or will not care for them adequately at home—will get a place. Where is that £700 a year when the mother *is* coping? Foster parents can often claim fostering allowances of 2–3 times the Supplementary Benefit that the natural parent would have received for looking after the same child . . . which is peculiarly ironic when one considers that some children might not be in foster-care at all if their parents had adequate incomes in the first place (Fairbairns, 1976). It does seem that the only way a housewife can get any recognition of the value of her work is to refuse or fail to do it. Thus, for example, the disabled wife (or cohabitee) can only draw the Non-contributory Invalidity Pension if she is unable to perform normal (as defined by the DHSS) household duties, regardless of whether housework is her normal profession, regardless of the fact that men and single women only have to prove inability to do *paid* work to qualify for the Pension; and conversely, the Invalid Care Allowance, for people who lose their incomes because they must stay at home and care for a sick relative, is not payable to wives (or cohabitees) because it is assumed that they would be at home in any case! The normal principle—that people get paid for doing their jobs and not for not doing them—is reversed in the case of housewives.

The point of all this is not that the entire women's liberation movement should support the Wages for Housework demand (as at present formulated)—a pretty remote possibility—but that it should recognize—as WfH does—the importance of feminism's attitude to housewives. Remembering that I am not defining housewife as a woman dancing attendance on a healthy but indolent male but as a person looking after babies and others who need looking after, *what do feminists think the housewife should live on?* Should she depend on her husband? Then we must accept all the DHSS's arguments in favour of the cohabitation rule, along with all forms of discrimination and oppression rooted in the assumption that women are men's dependents, for the simple reason that the assumption is correct. Is she to give up being a housewife, put the children in a day-care centre and take paid work? Well, of course this option must be open, but the needs of the women who choose to stay at home, if only for a short time, cannot be ignored.

To present the issue as *either* pay for mothers *or* better state facilities is an unnecessary conflict. The one implies the other. If mothers had money of their own earmarked for childcare, they could choose whether to use it to 'pay' themselves or pay someone else—workers in day-care centres, for instance.

The point is choice. The point is also that the raising of children is work. It is worth money and it costs money. If society as a whole does not pay, women pay—by being penniless dependents while working full time. But if it's all right for wives to have this status, then it's all right for cohabitees too. On the other hand if we demand the right of cohabitees to an income regardless of their man's resources (i.e. abolition of the cohabitation rule), how can we deny the same right to wives?

Living Together as Husband and Wife shows that the state clearly recognizes the importance of maintaining housewives as dependents, since the alternative—redistributing wealth not just within the state but within the family—is too expensive and subversive to contemplate. It is time that feminists did too.

Meanwhile, the cohabitation rule is fair, equitable and makes perfect sense.

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